



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: October 17, 2006  
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VanRIMS No.: 11-4600-50  
Meeting Date: November 2, 2006

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: Unit G3 - 888 Nelson Street - Mint Palace Holdings Inc.,  
Liquor Primary Liquor License Application

#### RECOMMENDATION

THAT Council, having considered the proximity of residential developments, potential noise impacts, relevant Council policy and the opinion of area residents and business operators of the community as determined by the public consultation, as outlined in this Administrative Report dated October 17, 2006, entitled "Unit G3 - 888 Nelson Street - Mint Palace Holdings Inc., Liquor Primary Liquor License Application", endorse the application by Mint Palace Holdings Inc. for an 85 seat (Person capacity) Liquor Primary liquor license (Liquor Establishment Class 2) at Unit G2 - 888 Nelson Street subject to:

- i. A Time-Limited Development Permit to review compliance and mitigation of traffic, noise, parking and other zoning issues;
- ii. Standard hours of operation limited to 11:00 a.m. to 1:00 a.m., Sunday to Thursday; and 11:00 a.m. to 2:00 a.m., Friday and Saturday; or Extended hours of operation limited to 9:00 a.m. to 2:00 a.m., Sunday to Thursday; and 9:00 a.m. to 3:00 a.m., Friday and Saturday;
- iii. A signed Good Neighbour Agreement prior to business license issuance; and
- iv. Adherence to clean air practices.

## **GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of the forgoing.

## **COUNCIL POLICY**

Council policy requires new Liquor Primary liquor licenses to be subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

On May 16, 2006, Council enacted amendments to the Business Premises Regulation of Hours Bylaw that implements the Hours of Liquor Service policy for the city bars into by-law regulation.

On July 14, 2005, Council approved amendments to the License By-law to provide new definitions for businesses in which the primary function is the sale and consumption of alcohol on the premises (Standard Hours Liquor Establishment Classes 1-7) and endorsed policy and guidelines relating to their size and location.

On November 18, 2004, Council adopted the Hours of Liquor Service Policy that established a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

## **PURPOSE**

Mint Palace Holdings Inc. is requesting a Council resolution endorsing their application for an 85 seat Liquor Primary liquor license (Liquor Establishment Class 2) at Unit G3 - 888 Nelson Street.

## **BACKGROUND**

### **Site History**

A restaurant business has operated at this location for a number of years. The applicant has operated the restaurant for approximately 2 years. Staff are unaware of any serious issues with the operation of the restaurant while under the applicant's control.

However, staff note that the previous restaurant operator had a number of problems with regards to how it operated and its negative impact on the community and city resources. Prior to issuing the new Restaurant and Dining Lounge business licenses to the current operator, staff explained the site history and the city's expectation regarding parameters within which the business should be operated.

### **Application**

The applicant is proposing to convert a portion of the existing restaurant to an 85 seat neighbourhood pub use (Liquor Establishment Class 2 business license/85 seat provincial Liquor Primary liquor license). The applicant proposes that the venue will continue to cater to their existing clientele. The applicant contends that food service shall remain an integral component of the lounge (Liquor Establishment Class 2) business.

### **Liquor Control and Licensing Branch (LCLB) Regulations and Policies**

Branch regulations allow liquor service between the hours of 9:00 a.m. to 4:00 a.m. seven days a week for Liquor Primary licenses. The liquor license capacity for a new establishment is based on the building capacity for the premise as determined by the local authority. Any new liquor license application is subject to local government support.

### **Area Surrounding Premises**

The subject premise is located in the Downtown District (DD). The surrounding area is primarily office towers, a mixture of hotels, restaurants, neighbourhood pubs, cabarets, retail and other commercial uses (refer to Appendix A).

There are 1 Liquor Establishment Class 1 (51 seats), 6 Liquor Establishment Class 2 (720 seats), 12 Liquor Establishment Class 3 (2633 seats), 2 Liquor Establishment Class 4 (734 seats), 1 Liquor Establishment Class 7 (325 seats), 1 Venue (150 seats) located within a 1000' radius of the subject site (4613 total liquor seats). Also, 1 Liquor Retail Store (Beer and Wine) and approximately 42 licensed restaurants are within the area. The closest government liquor store is located at 1120 Alberni Street.

## **RESULTS OF NOTIFICATION**

A neighbourhood notification was conducted by circulating 475 notices in the survey area (see Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. Seven form email letters and 1 email from within the notification area, 14 form email letters from outside the notification area, 20 form email letters from outside Vancouver and 58 form email responses with no fixed address were submitted in support of the application. One email from within the notification area and one email with no fixed address were received in opposition to the application. Those opposing the application were concerned about noise impacts associated with later closing hours.

A public information meeting was held on September 26, 2006 and was attended by 19 residents as well as the applicant. Most who attended the meeting were employees or acquaintances of the applicant and all were in favour of the application. Most generally support the current management and felt the current operators are respectful of the community.

## **DISCUSSION**

### **POLICY**

#### **Venue size and location**

The subject site is located in the Downtown-Primarily Mixed-use Area. The proposed Liquor Establishment Class 2 venue (Neighbourhood Pub land use) is greater than 100 metres away from another Liquor Establishment Class 2 venue. The applicant contends that food service shall be an integral part of the business and that the kitchen for the restaurant will service the lounge area. As a result the proposed establishment complies with the venue size and location policy.

#### **Hours of Operation**

The applicant is requesting hours of operation within the parameters of the Extended Hours permitted in the Downtown-Primarily Mixed-use Area (11:00 a.m. to 2:00 a.m., 7 days a week). Maximum permitted extended hours for the area are 9:00 a.m. to 2:00 a.m., Sunday

to Thursday; and 9:00 a.m. to 3:00 a.m., Friday and Saturday. The applicant has requested 11:00 a.m. to 2:00 a.m., 7 days a week.

The applicant is aware that the Extended Hours Liquor Establishment Class of business license is contingent on continued compliance with additional bylaw regulations.

#### **Affirmative Proposal Aspects**

Small liquor establishments of this size generally do not create significant negative issues for area residents. The application complies with Council's liquor policy for Venue Size & Location, and Hours of Liquor Service.

Finally, the applicant will be required to obtain a change of use development permit (change the land use from Restaurant Class 1 to Neighbourhood Pub). Council policy is to only allow time-limited development permits for new liquor establishments. The time-limited development permit should provide adequate controls to ensure the land use or business operations remain compatible with the surrounding community. This control will continue regardless of any future change in business ownership.

#### **Negative Proposal Aspects**

Approval of the establishment may result in increased street noise and other related nuisance behaviour for area residents and business operators. The liberalization of the LCLB regulations pertaining to liquor service and consumption in restaurants may compound the street noise and other related nuisance issues. As a result, the entire facility [Liquor Primary liquor license (Neighbourhood Pub seats in the lounge) and the Food Primary liquor license remaining Restaurant] may function as one entity and have an impact on the surrounding community similar to that of a much larger bar/nightclub facility.

#### **COMMENTS**

**The Police Department** has reviewed the application and do have some general concerns about the establishment. Relish is a 185 seat Food Primary Licensed restaurant requesting that their separate 85 seat lounge be granted a Liquor Primary liquor license. History has shown us that when there is a combination of both a Liquor Primary and Food Primary liquor license, some owners blur the lines between the two and start to operate the entire premise as if it is licensed as a Liquor Primary liquor licensed establishment. Given the proximity of this premise to the Granville Entertainment District, it can attract the same clientele and this can lead to certain problems that the VPD has had in the past at this location when the premise was operating as a bar instead of a restaurant that it was licensed for.

The present owners of Relish appear to be responsible business operators and diligent in following the City and LCLB regulation as a Food Primary establishment. The VPD will not oppose this application with the expectation that they will continue to operate their business professionally.

**The Development Services Department** has reviewed the application and notes the site is regulated by the Downtown Official Development Plan. The existing space is approved as a Restaurant Class 1 use, with ancillary patio approved under a separate permit.

Neighbourhood Public House can be conditionally allowed.

Any proposal to change the use of the premises from Restaurant Class 1 to Neighbourhood Public House will require a Development Permit application. As part of the review,

processing staff would include assessment of the anticipated impacts on nearby sites and for compliance with the Downtown Official Development Plan.

Also, if patio seating is being contemplated for the Neighbourhood Public House, it may be advantageous to process this under a separate Development Permit Application. The existing patio cannot be used for this purpose.

The Vancouver Coastal Health has reviewed the application and has no objections.

The Housing Centre and The Social Planning Department have no comments at this time.

The Central Area Planning Department has reviewed and has no comments with the application aside from noting that it is a permitted use at this location and that the majority of the establishment will be designated Food Primary and only a minority of the seats will be Liquor Primary.

#### Comments to Satisfy LCLB Resolution Requirements:

**Location:** as noted previously.

**Proximity of the establishment to other social or recreational and public buildings:** Staff are not concerned about the proximity of this establishment to social, recreational or public buildings.

**Person capacity and hours of operation:** as outlined above.

**Market Analysis:** The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

**Traffic, noise, parking and zoning:** review, compliance and mitigation of these issues will be conducted during the Development Permit application process, provided Council supports the application and allows it to proceed to the permitting system.

#### FINANCIAL IMPLICATIONS

There are no financial implications.

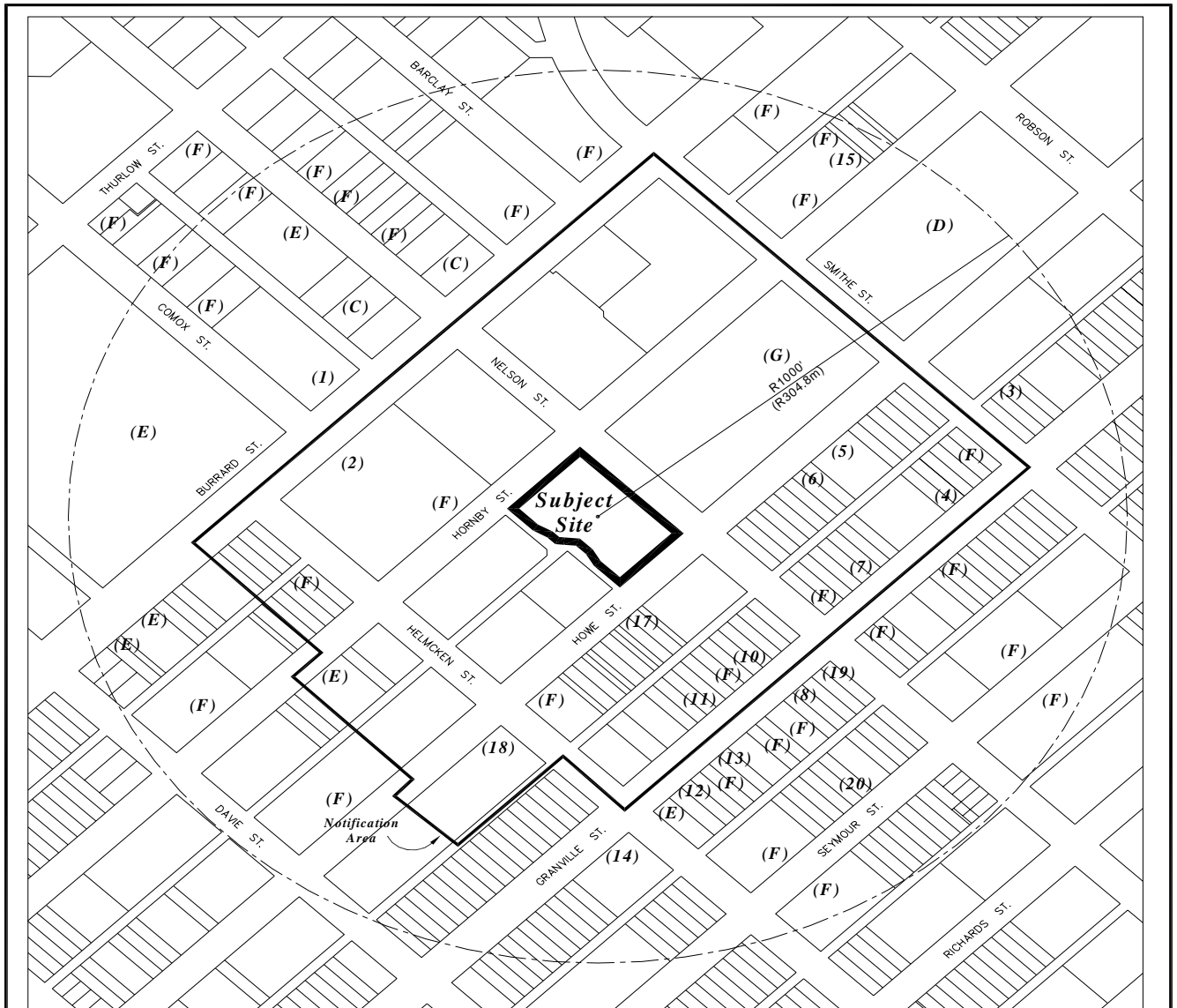
#### Enforcement History

Staff are unaware of any enforcement history with the applicant.

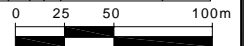
#### CONCLUSION

Staff Recommend approval of this application as it meets Council policy (Venue size and location and Hours of operation), has no significant opposition from area residents and businesses and has the general support of the commenting departments. As a result, staff RECOMMEND Council endorse the applicant's request for an 85 seat person capacity Liquor Primary liquor license.

\* \* \* \* \*



**LEGEND**



- |                       |                 |                |             |
|-----------------------|-----------------|----------------|-------------|
| (A) N/A               | (B) N/A         | (C) Churches   | (D) Schools |
| (E) Social Facilities | (F) Residential | (G) Law Courts |             |
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- |   |   |
|---|---|
| (1) 1015 Burrard St. { Century Plaza Hotel-Beyond, Rest. & Lounge } | (12) 1076 Granville St. { Howard Johnson Hotel }    |
| (2) 1088 Burrard St. { Wall Centre-Several Bars & Lounges }         | (13) 1082 Granville St. { The Stone Temple }        |
| (3) 881 Granville St. { The Plaza Club }                            | (14) 1100 Granville St. { Chateau Granville Hotel } |
| (4) 919 Granville St. { Tonic Bar }                                 | (15) 845 Hornby St. { Wedgewood Hotel }             |
| (5) 932 Granville St. { Roxy }                                      | (17) 1060 Howe St. { Bosman's Hotel }               |
| (6) 952 Granville St. { Caprice, Lounge & Grill }                   | (18) 1110 Howe St. { Holiday Inn }                  |
| (7) 300 Cambie St. { Cambie Hotel }                                 | (19) 654 Nelson St. { Doolins Pub }                 |
| (8) 1008 Granville St. { The Cellar }                               | (20) 1019 Seymour St. { The Penthouse }             |
| (10) 1025 Granville St. { The Royal Hotel }                         |   |
| (11) 1061 Granville St. { The Buffalo Club }                        |   |